IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 20476 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHANTILAL RAYCHAND SHAH (DECD.THRO' BHARATKUMAR SHANTILAL - Petitioner(s)

Versus

COLLECTOR & 1 - Respondent(s)

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Appearance :

MR CL SONI for Petitioner(s) : 1,
MS FALGUNI PATEL, AGP for Respondent(s)

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 20/01/2006

ORAL JUDGMENT

Rule. Learend AGP Ms.Falguni Patel waives service of rule on behalf of the respondents.

2. The grievance made by the petitioner in the present petition is that his father was holding certain lands in Vadhwan town about which the revenue authorities are demanding excessive land revenue. Though with respect to the payability of the land revenue on account of the provisions contained in section 128(2) of the Bombay Land Revenue Code, there is no serious dispute, but what is sought to be suggested is that the petitioner is being saddled with liability to pay the land revenue even for those lands which the petitioner or earlier his father did not own or possess. It is contended that from the holding of the father of the petitioner, substantial portion of the land was either sold or got reduced by virtue of implementation of town planning schemes. It is contended that though this aspect of the matter was brought to the notice of the revenue authorities right from the level of Mamlatdar, land revenue is sought to be charged for the entire land which the father of the petitioner earlier held.

3. Considering the above submissions, it would be appropriate to remand the proceedings for fresh consideration and disposal in accordance with law after taking into account the contentions raised on behalf of the petitioner and the material that may be on record.

The petitioner will be at liberty to place additional material if so found necessary. For the above purpose, the impugned orders are quashed and the proceedings are remanded to the Mamlatdar for fresh consideration and disposal in accordance with law. The amount already paid by the petitioner or his father will be adjusted towards the final dues that may be assessed. This may be done expeditiously. Rule is made absolute to the above extent with no order as to costs.

Direct service.

(Akil Kureshi, J.)

(vjn)